IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 1904 of 2007(B)

CC.745/2003 of J.M.F.C.,VARKALA
CRIME NO.193/99 OF KALLAMBALAM POLICE STATION

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PETITIONER:

JAYAPARAKASH, AGED 59 YEARS
S/O.CHELLAPPAN, NARAYANA NIVAS
OTTOOR VILLAGE, KALLAMBALAM

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SMT.LAKSHMI RENJITH
SRI.V.SHYAMOHAN

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 1904 of 2007 B

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Dated this the 31st day of January, 2007

JUDGMENT

The grievance of the petitioner is that the prosecution initiated against him under Section 324 r/w. 34 I.P.C. is not being disposed of by the learned Magistrate, though the incident took place in 1999 and the split up case against him was registered as C.C.No. 745 of 2003. Some witnesses have been examined. The matter is dragging on for the examination of the remaining witnesses. This is unjustified. The case may be closed expeditiously. This in short is the prayer made.

2. Report of the learned Magistrate has been called for. It reveals a totally different story. It reveals that the case is not filed only under Section 324 I.P.C. Allegations of a serious offence under Section 326 I.P.C. has also been raised. It also reveals how the petitioner was responsible for the inability of the Court to dispose of the case expeditiously earlier. It further shows that though the occurrence witnesses have been examined, some more witnesses like Doctor, Investigating Officer etc. remain to be examined. The co-accused, the case against whom have been split up, have been found

guilty and convicted. In these circumstances, in the interests of justice, every effort must be made to procure the remaining witnesses and complete the trial in accordance with law. Finally the learned Magistrate submits that if the accused co-operates with the progress of the case, it shall be disposed of within a period of four months.

3. I accept the report submitted by the learned Magistrate. I expect the learned Magistrate to stick to the schedule fixed by him that final disposal must be achieved within a period of four months. No further directions are necessary in this case.

4. This Writ Petition is accordingly dismissed with the above observations.

(R. BASANT)
Judge

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